THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25268 OF 2005

DATED:28.11.2005

Between:

Vinay Raj and another

…Petitioners

And

The Additional Commissioner (SZ)

Municipal Corporation of Hyderabad

Sardar Mahal, Hyderabad

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25268 OF 2005

ORDER:

The petitioners are allegedly owners of premises bearing Municipal No.23-5-441 to 443, situated at Shah Ali Banda, Hyderabad. In connection with proposal for widening road from Charminar to Falaknuma Palace, the respondent proposed to convene meeting of all the owners in the area on 16.6.2005. Accordingly, by letter dt.14.6.2005 addressed to second petitioner, the respondent requested the petitioners to attend the meeting on that day. It is alleged now that on 20.11.2005 officials from the respondent Corporation came to the premises and threatened with dispossession. Apprehending forcible dispossession and demolition, present Writ Petition is filed.

The petitioners' cause of action arose on 14.6.2005 when the respondent requested them to attend the meeting in connection with road-widening. The petitioners chose to file the Writ Petition after lapse of about six months. Therefore, this Court is not inclined to entertain the Writ Petition. However, it must be observed that unless and until the Municipal Corporation of Hyderabad follows the procedure either under Section 146 or Section 147 of the Hyderabad Municipal Corporation Act, 1955, the petitioners right to enjoy the property cannot be denied.

The Writ Petition with the above observations is accordingly dismissed.

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(V.V.S.RAO, J)

28.11.2005

bnr

Note:CC by 30.11.2005.

(B.O)

bnr